

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1 (currently amended): An inkjet recording element comprising a support and at least two ink receiving layers thereon, wherein the topmost ~~at least one~~ of said at least two ink receiving layers comprises porous polyester particles, ~~wherein the topmost layer of said inkjet recording element porous polyester particles,~~ wherein at least 68% of said porous polyester particles ~~in said topmost layer~~ have a diameter of less than 0.5 micrometers.

2 (original): The inkjet recording element of claim 1 wherein said porous polyester particles are present in at least one layer below the topmost layer of said inkjet recording element.

3 (canceled):

4 (canceled):

5 (canceled):

6 (currently amended): The inkjet recording element of claim 1[[4]] wherein said inkjet recording element further comprises at least one layer below said topmost layer, said layer comprising organic or inorganic particles.

7 (original): The inkjet recording element of claims 6 wherein said inorganic particles comprise silica, alumina, calcium carbonate, clay, or barium sulfate.

8 (original): The inkjet recording element of claims 6 wherein said organic particles comprise styrene-butadiene latex, polyurethane latex, or an acrylic latex.

9 (currently amended): The inkjet recording element of claim 1[[3]] wherein said inkjet recording element comprises at least one layer below said topmost layer, said layer comprising a swellable polymer.

10 (canceled):

11 (original): The inkjet recording element of claims 9 wherein said swellable polymer comprises at least one member selected from the group consisting of gelatin, poly(vinyl alcohol), and a sulfonated polyester.

12 (original): The inkjet recording element of claim 2 wherein said porous polyester particles comprise particles having a mean diameter of greater than 0.5 micrometers.

13 (original): The inkjet recording element of claim 2 wherein said porous polyester particles comprise particles having a mean particle diameter of between 1 and 3 micrometers.

14 (original): The inkjet recording element of claim 2 wherein said porous polyester particles comprise particles having a mean particle diameter of between 1 and 10 micrometers.

15 (original): The inkjet recording element of claim 2 wherein said porous polyester particles are also present in the topmost layer of said inkjet recording element.

16 (original): The inkjet recording element of claim 15 wherein said porous polyester particles present in the topmost layer of said inkjet recording element comprise particles having a mean particle diameter less than 0.5 micrometers.

17 (original): The inkjet recording element of claim 2 wherein said porous polyester particles are also present in the topmost layer of said inkjet recording element and wherein said porous polyester particles in said at least one

layer below said topmost layer comprise particles having a size greater than 0.5 micrometers.

18 (currently amended): The inkjet recording element of claim 1[[4]] wherein said inkjet recording element has a surface gloss of greater than or equal to 10 at a measurement angle of 60 degrees.

19 (original): The inkjet recording element of claim 2 wherein said inkjet recording element comprises a topmost layer comprising organic or inorganic particles having a mean diameter of less than 0.5 micrometers.

20 (original): The inkjet recording element of claim 19 wherein said organic particles comprise latex particles.

21 (original): The inkjet recording element of claim 20 wherein said latex particles comprise polymers derived from styrenic, acrylic, or methacrylic monomers.

22 (original): The inkjet recording element of claim 19 wherein said organic particles comprise polyester containing particles.

23 (original): The inkjet recording element of claim 19 wherein said inorganic particles are selected from the group consisting of silicon dioxide, alumina, and barium sulfate particles.

24 (original): The inkjet recording element of claim 19 wherein said topmost layer further comprises a binder polymer.

25 (original): The inkjet recording element of claim 24 wherein said binder polymer is selected from at least one member of the group consisting of poly(vinyl alcohol), gelatin, sulfonated polyester, and water dispersible polyurethane.

26 (withdrawn): The inkjet recording element of claim 2 wherein said topmost layer is substantially free of particles.

27 (withdrawn): The inkjet recording element of claim 26 wherein said topmost layer comprises poly(vinyl alcohol).

28 (withdrawn): The inkjet recording element of claim 26 wherein said topmost layer comprises hydrogel or an organic polymer.

29 (original): The inkjet recording element of claim 1 wherein said porous polyester particles comprise precursor polyester comprising at least one member the group consisting of maleic, fumaric, itaconic, phenylenediacrylic, citraconic and mesaconic acid.

30 (original): The inkjet recording element of claim 29 wherein said precursor polyester further comprises sulfonated monomer.

31 (original): The inkjet recording element of claim 29 wherein said precursor polyester has an acid number of at least 10.

32 (original): The inkjet recording element of claim 29 wherein said precursor polyester has a molecular weight of 1,000 to 30,000.

33 (original): The inkjet recording element of claim 1 wherein said particles have an ionic group equivalent weight of between 40 and 2000 grams per mole of ionic unit.

34 (original): The inkjet recording element of claim 33 wherein said ionic group comprises sulfonate functionality.

35 (original): The inkjet recording element of claim 1 wherein said porous polyester particles are in an organic binder.

36 (original): The inkjet recording element of claim 35 wherein said particles comprise between 50 and 95% by weight of said at least one layer of said at least two ink receiving layers.

37 (original): The inkjet recording element of claim 35 wherein said particles comprise between 75 and 90% by weight of said at least one layer of said at least two ink receiving layers.

38 (original): The inkjet recording element of claim 35 wherein said organic binder comprises poly(vinyl alcohol).

39 (original): The inkjet recording element of claim 35 wherein said organic binder comprises sulfonated polyester.

40 (original): The inkjet recording element of claim 29 wherein said porous polyester particles further comprise the copolymerization product of at least one ethylenically unsaturated monomer selected from the group consisting of styrene, divinylbenzene, divinyl adipate, or cyclohexanedimethanol divinyl ether.

41 (currently amended): The inkjet recording element of claim 1 wherein said topmost layer has a thickness of between 1 and 20 micrometers.

42 (original): The inkjet recording element of claim 1 having a thickness of between 10 and 50 micrometers.

43 (withdrawn, currently amended): A method of forming an inkjet print comprising providing an inkjet recording element comprising at least two ink receiving layers, wherein the topmost layer of said inkjet recording element comprises porous polyester particles, wherein at least 68% of said porous polyester particles ~~in said topmost layer~~ have a diameter of less than 0.5 micrometers and printing on said inkjet recording element utilizing an inkjet printer.

44 (canceled):

45 (canceled):